



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

[Handwritten Signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,473	09/30/1999	PETER Y. HSU	AT9-99-474	5416

7590 06/13/2002

KEVIN L DAFFER
CONLEY ROSE & TAYON PC
P O BOX 398
AUSTIN, TX 787670398

EXAMINER

POKER, JENNIFER A

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/409,473	HSU ET AL.	
	Examiner	Art Unit	
	Jennifer A. Poker	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 September 1999.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-43 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,5,6,16,21,26,29,35,37 and 43 is/are rejected.

7) Claim(s) 2-4,7-15,17-20,22-25,27,28,30-34, 36 and 38-42 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 September 1999 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. AKC	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains implied phrases, including, "is presented". Correction is required. See MPEP § 608.01(b).

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 42. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 2, 10, 17, and 26 are objected to because of the following informalities: the preamble is not consistent with the claims on which the abovementioned claims are dependent upon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1, 5, 6, 16, 21, 26, 29, 35, 37, and 43, and rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the applicant states, “a disc. . . wire supports attached to a periphery of the disc, a bottom support, and an elastic cover. . .”. It was not clear as to whether or not the bottom support was attached to the wire supports; whether the wire supports connected to the bottom support or if the cover connected everything together. It was understood by the examiner that the cover enclosed the components, binding them together.

Regarding claims 5 and 6, the following was not clear: “each of the plurality of wire supports comprises three wires encased in a flexible sleeve.” It was understood by the examiner that there is a plurality of flexible sleeves due to the plurality of wire supports; however, in claim 6, it was not clear what was intended by “the flexible sleeve comprises at least one of plastic and rubber”. Because it was previously understood that there was a plurality of flexible sleeves, it was further understood that there were more than one flexible sleeve and at least one of those flexible sleeves is comprised of plastic and rubber.

Regarding claims 26 and 37, the applicant states, “wherein each of the holes”. It was unclear as to whether the applicant was referring to “each plurality of holes” or “each individual hole within the plurality of holes”. It was understood by the examiner that the applicant intended the claim to read “each individual hole within the plurality of holes”.

8. Claims 5, 21, 35 recite the limitation “the first wire”, “the second wire”, and “the third wire”. There is insufficient antecedent basis for this limitation in the claims.

9. Claims 16 and 29 recite the limitation “the cylindrical inner surface” in line 9. There is insufficient antecedent basis for this limitation in the claims.

10. Claim 43 recites the limitation “the entire length” in line 29. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

11. Claims 1, 16, and 29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

12. Claims 5, 6, 21, 26, 35, 37, and 43 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 2-4, 7-15, 17-20, 22-25, 27, 28, 30-34, 36, and 38-42 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following are statements of reasons for the indication of allowable subject matter: Claims 1-15 state, "A cap . . . comprising a disc, a plurality of wire supports attached to a periphery of the disc; a bottom support. Claims 16-28 state, "a cap . . . comprising a bottom support; an elastic cover that overlays the bottom support . . . one or more scores on an inner surface of the cover . . .". Claims 29-43 state, "a computer pointing device, comprising a control stick; and a cap, comprising a bottom support, wherein the bottom support is positioned on an upper surface of the control stick . . . wherein the cover comprises one or more scores . . .".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Poker whose telephone number is 703-305-4037. The examiner can normally be reached on 6:00-3:30, Mon.-Fri. (alternating Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on 703-308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3432 for regular communications and 703-746-8181 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 730-308-5115.

jap
June 7, 2002


ELVIN ENAD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800
6/11/02